

GNSO Framework for Continuous Improvement Oversight and Implementation

Status of This Document

This is a proposal for a GNSO framework that would allow for the continuous scoping and execution of projects that are focused on GNSO structural, procedural and process improvements.

Based on input received from Council members and SG/C Chairs, a number of updates were made to this proposal compared to the 2 March version. A further update was made as a result of Council resolution [20210616 – 1](#).

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1 Objective & Scope

1.1 Objective

The objective is to create a framework that allows for the continuous scoping and execution of projects that are focused on Generic Names Supporting Organization (GNSO) structural, procedural and process improvements. The GNSO Council (hereafter “Council”), through a dedicated committee, with the participation of GNSO Stakeholder Groups and Constituency (GNSO SG/Cs) Subject Matter Experts, would be responsible for overseeing the scoping and prioritization of project assignment while the work would be carried out through dedicated task forces populated by GNSO SG/C representatives. The scope of work would be limited to any processes and procedures that would have a GNSO wide impact, unless there is support and agreement from all GNSO SG/Cs to undertake projects that are SG/C specific. Any projects or topics that would fall within scope of policy development are NOT within the remit of this effort and must be dealt with through a GNSO Policy Development Process (PDP). However, projects or topics that have as their objective to improve the processes and/or procedures that form the basis of the GNSO PDP (PDP) are not excluded.

1.2 Scope

Immediate projects that could be dealt with under this framework would include:

- Implementation of WS2 recommendations that are not SG/C specific;
- Assignments related to the Evolution of the Multistakeholder Model;
- Possible ATRT3 related assignments, including a possible future Continuous Improvement Program;
- GNSO Review, if commenced;
- Review of Policy & Implementation WG recommendations;
- Further input on the Operational Design Phase, if applicable;
- Review of PDP 3.0 improvements and additional improvements identified;
- Empowered Community related assignments (that are of a procedural not substantive nature).

Assignments beyond those identified in this document are either assigned by the Council to the Council Committee for Overseeing and Implementing Continuous Improvement (hereafter “Council Committee”) or by the Council Committee if it concerns follow up items for the assignments already identified (with GNSO Council oversight).

In section 3, further details on the specific action items for each of these projects can be found. In section 4, a proposal for a pilot approach has been outlined which would allow the Council and the GNSO Community to test this framework and make course corrections following the completion of the pilot, if deemed necessary.

2 Framework Structures

2.1 Council Committee for Overseeing and Implementing Continuous Improvement

Membership

This committee would consist of one Council member from each Contracted Party House Stakeholder Group, one from each Commercial Stakeholder Group Constituency, one from the Non-Commercial Stakeholder Group and each Non-Commercial Stakeholder Group Constituency, and one Nominating Committee appointee (for a total of 9 members). Council members will serve in representative capacity, where applicable, and as such be responsible for consulting with their respective groups on a regular basis. The committee would be chaired by a member of the Council who would serve in ex-officio capacity. SG/Cs may also appoint subject matter experts to advise the Committee (max. 1 subject matter expert per SG/C with the ability for SG/Cs to change subject matter experts depending on the topic under consideration). Through their representatives on the Committee, SG/C Chairs may raise issues / concerns which the Council Committee will consider and address.

Responsibilities

Although the initial workload of the committee, scoping the work assignments and creating the task forces, will be substantial, the committee's workload is expected to transition over time to one of oversight and coordination.

The GNSO Council will have oversight of the assignments by the Committee, with Task Force (TF) assignments to be shared with the Council for non-objection and any recommendations and/or work products developed and proposed by Task Forces to go to the GNSO Council for approval.

Once the Committee has scoped the assignments for the different Task Forces, it will engage with the Council as well as SG/Cs concerning the priority order in which these Task Forces are expected to be created. A proposed grouping of assignments can be found in Annex I. The Committee will provide a proposed order and rationale for such order to the Council and SG/Cs.

Following assignment of the most immediate work items through the TF assignment form (see annex) the Committee is expected to address the additional Council Committee assignments that have been identified in this document.

2.2 Task Forces

Dedicated Task Forces would be created to carry out the specific assignments. The Council Committee would determine, in consultation with the GNSO Council (which in turn would also consult with SG/C Chairs), the timing and order in which Task Forces would be established.

Below is an overview of TF requirements which the Council Committee may modify in the TF assignment form if deemed necessary to address a specific task force assignment.

Membership¹

- Each Task Force will have as a maximum 2 representatives from each Constituency or Stakeholder Group² and up to 2 alternates
- 1 Council Committee liaison (ex-officio)

Depending on the Task Force assignment, the Committee may also invite liaisons and/or subject matter experts to join the Task Force.

The Committee will provide guidance to SG/Cs concerning the specific knowledge and expertise that representatives are expected to have, as well as the expected time commitment and duration of the effort. Members that are appointed to a Task Force are expected to serve for the duration of the effort and are expected to have relevant knowledge and/or expertise in relation to the Task Force assignment.

Decision-making methodologies

Task Forces should aim to make recommendations by full consensus. However, in those cases where this is not possible, consensus designations must factor in the Council's make up and voting thresholds. For example, when assessing the level of support, the chair should factor in the support across stakeholder groups instead of counting the number of individuals in support or against. Where full consensus is not achieved, the report/recommendations to the GNSO Committee and/or GNSO Council should clearly outline the efforts that were undertaken to try and achieve full consensus and the reasons for why this was not achieved.

Assignments

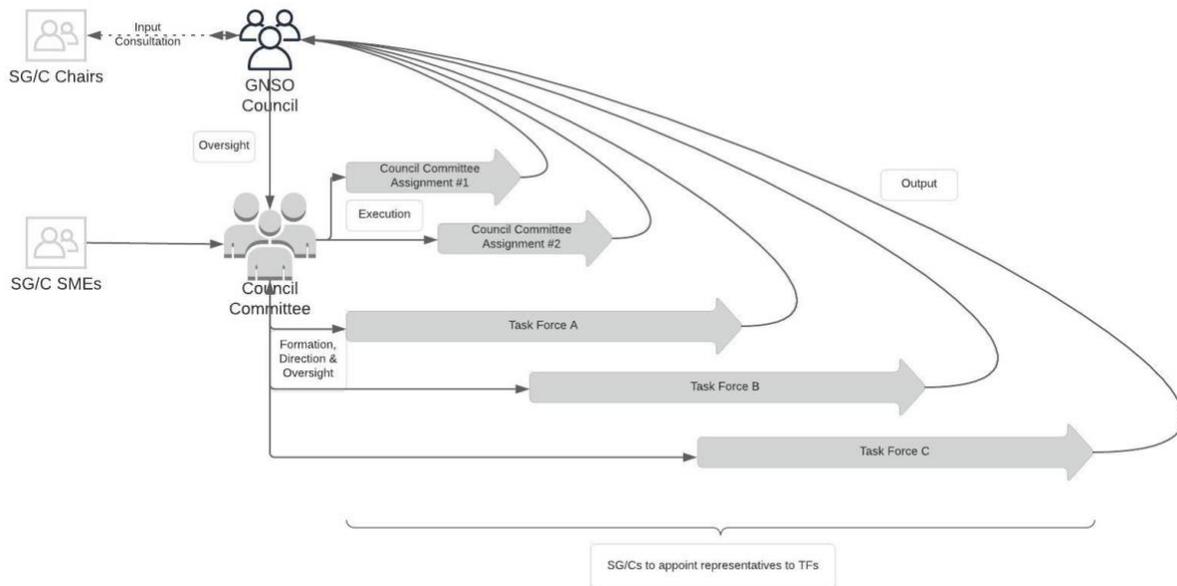
In the subsequent sections of this document, proposed TF assignments have been identified for each of the projects identified above. Care has been taken to frame these in focused and achievable assignments. The Council Committee is expected to provide further guidance in relation to the expected timeline, expertise and possible approach in the form of a TF

¹ Note, if it concerns an assignment that is Council specific, the Committee may also take on this assignment itself.

² For clarity, a Stakeholder Group may decide to assign representatives at the Stakeholder Group level OR the constituency level, if applicable, but not both.

assignment document. A template of such a form can be found in annex J. In case there is a need for further guidance or clarification, the Council Committee liaison is able to take any requests back to the full Committee.

2.3 Graphic depiction (high level)



Note, Council Committee assignments concern those activities that are determined to be Council specific and it is therefore appropriate for the Council Committee to address these. Each Task Force also has its specific assignments that are assigned by the Council Committee. For proposed TF assignments and groupings, see the next section. The number of TF in this graphic is for illustrative purposes – it is to be determined how assignments are expected to be grouped, if at all.

3 Possible Assignments & Task Force Groupings

Based on the analysis and assignments identified in the annexes to this document, the following groupings could be considered for consistency and efficiency purposes. Other groupings are possible or it could also be decided that a TF is only responsible for completing one assignment at a time, after which a new TF is formed or a new assignment is provided to the same TF.

Task Force A – GNSO PDP, EPDP, GGP & GIP

Proposed TF Assignment #1 (WS2 – HR)

Task Force to review HR Framework of Interpretation and related ICANN Bylaws to determine what updates, if any, need to be made to the GNSO PDP Manual, GNSO WG Guidelines, GNSO Charter Template, or otherwise, to implement the existing bylaw obligations related to Human Rights Core Value in the context of the GNSO PDP.

Proposed TF Assignment #3 (Policy & Implementation)

TF to develop survey to solicit input from EPDP Team members concerning EPDP benefits, downsides and possible improvements. Based on the feedback received and perceived urgency of possible improvements, TF to make recommendations to the Council Committee on if/what/when further work needs to be undertaken to develop proposed changes to the EPDP.

Proposed TF Assignment #4 (Policy & Implementation)

TF to undertake consultation with GNSO SG/Cs and SO/ACs interested to obtain input on why GGP and GIP have not been used to date. Based on feedback received and perceived urgency of possible improvements, TF to make recommendations to the Council Committee on if/what/when further work needs to be undertaken to develop proposed changes to the GGP and GIP.

Task Force B – Implementation

Proposed TF Assignment #5 (Policy & Implementation)

TF to survey recent IRTs, ICANN org, Council liaisons to IRTs as well as GNSO Council on experience with IRT Principles & Guidelines, as well as policy & implementation requirements (as outlined in section 4 of the Policy & Implementation Final Report). Based on feedback and input received, TF to make recommendations for proposed updates to the IRT Principles & Guidelines.

Task Force C – Accountability & Transparency requirements

Proposed TF Assignment #6 (PDP 3.0)

TF to review Statement of Interest requirements and make recommendations accordingly. This should include soliciting input from the community on the current use and experience with SOIs as well as suggestions for possible improvements.

Proposed TF Assignment #2 (WS2 – Accountability)

TF to create inventory of the items listed under these recommendations concerning increased SO/AC accountability, document any processes / procedures that address the recommendations listed above and/or identify what further, if anything, the GNSO should implement to consider these recommendations addressed from a GNSO perspective.

Task Force D – Empowered Community**Proposed TF Assignment #7 (Empowered Community)**

TF to review EC guidelines and motion templates (see [Guidelines and Templates that Help the GNSO Fulfill Its Role & Obligation as a Decisional Participant in the Empowered Community](#)) and provide recommendations on whether any updates are necessary.

Council Committee Assignments**Proposed Council Committee Assignment #1.**

Council Committee to monitor whether there are any further developments in this area (WS2 jurisdiction) that may prompt further action and/or TF assignments.

Proposed Council Committee Assignment #2.

Council committee to develop proposed approach for developing and implementing continuous improvement plan as outlined by ATRT3, in close collaboration with GNSO SG/Cs, consistent with this framework approach.

Proposed Council Committee Assignment #3.

Assess state of implementation and deployment of different PDP 3.0 recommendations and make recommendations for updates to GNSO Operating Procedures, or other documents, if deemed applicable. As part of this assessment, the Council Committee is also expected to recommend which other items as part of the parking lot should be addressed as a matter of priority, or may have already been addressed through other activities.

Proposed Council Committee Assignment #4

Consider if/how WG Self-Assessment can be improved and possibly enhanced with a periodic assessment as well as exit interview with interested parties to help identify at an early stage potential issues as well as future improvements to be considered. This could potentially be combined with the WG Chair assessment as outlined in PDP 3.0 improvement #13. Council Committee to also consider the findings of the most recent WG Self-Assessments to determine if there are other improvements the GNSO Council should consider.

4 Proposed Pilot

Based on feedback received, it is proposed that instead of immediately implementing the whole Framework, a pilot is launched that allows for a more limited roll out of the Framework from which lessons can be drawn and possible updates made to the Framework, should the Council and GNSO community decide that it is worthwhile to continue. The next section outlines in further detail the other potential assignments that have been identified and which will be “parked” as part of the Framework project until such time the pilot has been completed and the Council and GNSO community can decide how and when to proceed.

This pilot would consist of the following:

1. Creation of the Council Committee for Overseeing and Implementing Continuous Improvement
 - a. Completion of the assignment form for Task Force C - Accountability & Transparency requirements – assignment #6 (PDP 3.0 – SOI)
 - b. Completion of the assignment form for Council Committee Assignment #4 (PDP 3.0 – WG Self-assessment)
2. Following non-objection by the GNSO Council to assignment form for assignment #6, formation of Task Force C and commence deliberations:
 - a. Completion of Task Force C assignment and submission of recommendations to GNSO Council.
 - b. Debrief by Council Committee as well as Task Force C focusing on lessons learned and possible improvements to Framework approach
3. Following non-objection by the GNSO Council for assignment form for Council Committee Assignment #4, commencement of deliberations
 - a. Completion of Council Committee assignment and submission of recommendations to GNSO Council.
 - b. Debrief by Council Committee on lessons learned and possible improvements to Framework approach.
4. Once the pilot completes, the Council, in close collaboration with SG/Cs as well as the Council Committee and Pilot Task Force, will review the functioning of the Framework and decide whether to continue with the other assignments as outlined in the updated proposal (see section 3), make modifications to the framework and continue with the other assignments, or, identify another path through which the assignments identified are to be addressed.

5 Dependencies and other considerations in relation to assignments identified

The below table provides further details on each of the assignments identified in this document, whether it is a Council Committee or Task Force assignment, from the perspective of possible dependencies as well as expected difficulty, resource needs and duration. This assessment has helped inform the items selected for the pilot and should be further reviewed by the Council Committee upon completion of the pilot so that its assessment of the pilot can factor in recommendations for if/how to proceed on the remaining assignments. As part of this consideration, the Council Committee may want to consider assigning a priority level to these assignments whereby consideration should be given to 1) Perceived urgency of addressing the issue (is there something broken that needs immediate fixing?), 2) how long has it been already sitting on the community's to do list? and, 3) Are there dependencies that mean this work may not be ready for action yet? Other factors may be relevant as well. Nevertheless, if at any point the Council decides that these work items need to be dealt with outside of the framework approach or are considered to have been completed through other means (for example, through ICANN org led initiatives), these items can be taken off the Framework for Continuous Improvements work items list.

| Assignment | Possible dependencies | Expected difficulty / resource needs / duration |
|--|--|---|
| <p>Proposed TF Assignment #1 (WS2 – HR) Task Force to review HR Framework of Interpretation and related ICANN Bylaws to determine what updates, if any, need to be made to the GNSO PDP Manual, GNSO WG Guidelines, GNSO Charter Template, or otherwise, to implement the existing bylaw obligations related to Human Rights Core Value in the context of the GNSO PDP.</p> | <p>ICANN org led community consultation on prioritizing those WS2 recommendations that will require community coordination, including how ICANN org can support the community's prioritization efforts expected to take place in May 2021. This consultation may provide further insights to help inform a decision on when to commence this assignment.</p> | <p>High (knowledge and expertise of HR Framework as well as Bylaws, GNSO processes and procedures required)</p> |
| <p>Proposed TF Assignment #3 (Policy & Implementation) TF to develop survey to solicit input from EPDP Team members concerning EPDP benefits, downsides and</p> | <p>Completion of EPDP Phase 2A? Noting that ideally a survey is conducted shortly after completion so that experience is still fresh.</p> | <p>Medium/low (WG self-assessment could serve as a model that might reduce the workload)</p> |

| Assignment | Possible dependencies | Expected difficulty / resource needs / duration |
|---|-----------------------|---|
| possible improvements. Based on the feedback received and perceived urgency of possible improvements, TF to make recommendations to the Council Committee on if/what/when further work needs to be undertaken to develop proposed changes to the EPDP | | |
| <p>Proposed TF Assignment #4 (Policy & Implementation) TF to undertake consultation with GNSO SG/Cs and SO/ACs interested to obtain input on why GGP and GIP have not been used to date. Based on feedback received and perceived urgency of possible improvements, TF to make recommendations to the Council Committee on if/what/when further work needs to be undertaken to develop proposed changes to the GGP and GIP.</p> | None | Medium / low |
| <p>Proposed TF Assignment #5 (Policy & Implementation) TF to survey recent IRTs, ICANN org, Council liaisons to IRTs as well as GNSO Council on experience with IRT Principles & Guidelines, as well as policy & implementation requirements (as outlined in section 4 of the Policy & Implementation Final Report). Based on feedback and input received, TF to make recommendations for</p> | None | Medium |

| Assignment | Possible dependencies | Expected difficulty / resource needs / duration |
|--|---|--|
| proposed updates to the IRT Principles & Guidelines. | | |
| <p>Proposed TF Assignment #6 (PDP 3.0) TF to review Statement of Interest requirements and make recommendations accordingly. This should include soliciting input from the community on the current use and experience with SOIs as well as suggestions for possible improvements.</p> | None | Medium / low |
| <p>Proposed TF Assignment #2 (WS2 – Accountability) TF to create inventory of the items listed under these recommendations concerning increased SO/AC accountability, document any processes / procedures that address the recommendations listed above and/or identify what further, if anything, the GNSO should implement to consider these recommendations addressed from a GNSO perspective.</p> | ICANN org led community consultation on prioritizing those WS2 recommendations that will require community coordination, including how ICANN org can support the community’s prioritization efforts expected to take place in May 2021. This consultation may provide further insights to help inform a decision on when to commence this assignment. | Low |
| <p>Proposed TF Assignment #7 (Empowered Community) TF to review EC guidelines and motion templates (see Guidelines and Templates that Help the GNSO Fulfill Its Role & Obligation as a Decisional Participant in the Empowered Community) and provide recommendations on whether any updates are necessary.</p> | Review may only make sense if some / most / all of the guidelines and motion templates have been used? | Medium / low (could consider only reviewing those EC guidelines and motion templates that have been used in practice?) |

| Assignment | Possible dependencies | Expected difficulty / resource needs / duration |
|---|---|---|
| <p><u>Proposed Council Committee Assignment #1. (WS2)</u> Council Committee to monitor whether there are any further developments in this area (WS2 jurisdiction) that may prompt further action and/or TF assignments.</p> | <p>ICANN org led community consultation on prioritizing those WS2 recommendations that will require community coordination, including how ICANN org can support the community's prioritization efforts expected to take place in May 2021. This consultation may provide further insights to help inform a decision on when to commence this assignment</p> | <p>Low</p> |
| <p><u>Proposed Council Committee Assignment #2. (ATRT3)</u> Council committee to develop proposed approach for developing and implementing continuous improvement plan as outlined by ATRT3, in close collaboration with GNSO SG/Cs, consistent with this framework approach.</p> | <p>Roll out of holistic review and expected community coordination on continuous improvement plans. Board decision on GNSO3 review.</p> | <p>High</p> |
| <p><u>Proposed Council Committee Assignment #3. (PDP 3.0)</u> Assess state of implementation and deployment of different PDP 3.0 recommendations and make recommendations for updates to GNSO Operating Procedures, or other documents, if deemed applicable. As part of this assessment, the Council Committee is also expected to recommend which other items as part of the parking lot should be addressed as a matter of priority, or may have</p> | <p>Not all PDP 3.0 recommendations may have been used in practice. Need to determine whether there is sufficient experience gained to conduct a meaningful assessment.</p> | <p>Medium</p> |

| Assignment | Possible dependencies | Expected difficulty / resource needs / duration |
|--|--|---|
| already been addressed through other activities. | | |
| <p><u>Proposed Council Committee Assignment #4. (PDP 3.0)</u> Consider if/how WG Self-Assessment can be improved and possibly enhanced with a periodic assessment as well as exit interview with interested parties to help identify at an early stage potential issues as well as future improvements to be considered. This could potentially be combined with the WG Chair assessment as outlined in PDP 3.0 improvement #13. Council Committee to also consider the findings of the most recent WG Self-Assessments to determine if there are other improvements the GNSO Council should consider.</p> | None (WG self-assessments for SubPro and RPMs have been recently completed) | Medium / low |
| <p><u>Evolution of the MSM</u> - No immediate actions have been identified. Should future actions be assigned to the GNSO, the Council with input from SG/Cs will determine whether these are to be assigned to the Council Committee for further consideration and/or assignment to a dedicated Task Force.</p> | Further information from org / board on the proposed evaluation mechanism as outlined in the MSM paper . | Unknown at this stage |
| <u>GNSO3 Review</u> | Awaiting Board decision on whether or not GNSO3 Review is postponed. (Expected timing – July 2021) Note that GNSO | High |

| Assignment | Possible dependencies | Expected difficulty / resource needs / duration |
|--|--|--|
| | Council has expressed support for delay | |
| <u>Operational Design Phase</u> | No immediate actions have been identified in relation to this topic. Note that after 2 ODPs an evaluation is expected to happen that may require further GNSO input. | Unknown at this stage |

Annex A – TF Assignments – WS2 Implementation

Note, a number of WS2 recommendations have been identified as SG/C specific (see <https://mm.icann.org/pipermail/council/2021-January/024396.html>). SG/Cs may want to discuss if there is benefit to implementing any of these recommendations under this framework or whether each SG/C will deal with the required implementation actions. The items listed below are derived from the recommendations of the small team that reviewed the WS2 recommendations that concerned both Council as well as SG/Cs and identified possible next steps. These possible next steps have been translated in proposed Task Force Assignments.

Topic 3: Framework of Interpretation for Human Rights

Recommends the adoption of the Framework of Interpretation it developed for the ICANN Bylaws dealing with Human Rights, which can be found in Annex 3.

Small team notes³: when the WS1 was adopted, the bylaw was made dormant on the basis that it creates risks for lawsuits for ICANN until the community knows how to interpret the bylaw. But the framework of interpretation left a lot to the ACs/SOs for implementation, and GNSO must adhere to the bylaw and the framework. This is one of the highest priorities here because we need to figure out how to assess the human rights impact of the GNSO policies. The question of how to implement the existing bylaw obligations related to Human Rights Core Value may be considered in “PDP4.0” or other future endeavours.

Proposed TF Assignment #1.

Task Force to review HR Framework of Interpretation (see [Annex 3](#)) and related ICANN Bylaws (see section 1.2 (b)viii and <https://www.icann.org/resources/pages/governance/bylaws-en/#article27>) to determine what updates, if any, need to be made to the GNSO PDP Manual, GNSO WG Guidelines, GNSO Charter Template, or otherwise, to implement the existing bylaw obligations related to Human Rights Core Value in the context of the GNSO PDP.

Topic 4: Jurisdiction

4.2 This sub-group considered how the absence of a choice of law provision in the base RA, the absence of a choice of law provision in the standard RAA, and the contents of the choice of venue provision in RAs could impact ICANN’s accountability. These are standard-form contracts that are not typically negotiated; changes are now determined through an amendment procedure (e.g. Art. 7.6 of the RA). The sub-group understands that it cannot require ICANN to

³ Small team notes throughout this section have been imported from this document developed by the WS2 small team:

<http://mm.icann.org/pipermail/council/attachments/20210120/54a46f27/WS2AccountabilityRecommendations-GNSOPrioritization-0001.pdf>

make amendments to the RA or the RAA. Rather, this recommendation suggests possible changes to the RA and RAA for study and consideration by ICANN the organization, the GNSO, and the contracted parties. The RA and RAA do not contain choice of law provisions. The governing law is thus undetermined, until determined by a judge or arbitrator or by agreement of the parties.

4.2.1 Choice of Law and Venue Provisions in the Registry Agreement The sub-group identified several alternative approaches for the RA, which could also apply to the RAA. The body of the report discusses the advantages and disadvantages of each approach.

4.2.1.1 Menu Approach. The sub-group supports a “Menu” approach, where the governing law would be chosen before the contract is executed from a “menu” of possible governing laws. The menu needs to be defined; this could best left to ICANN and the registries. The sub-group discussed a number of possible menus, which could include one country, or a small number of countries, from each ICANN geographic region, plus the status quo (no choice of law) and/or the registry’s jurisdiction of incorporation and/or the countries in which ICANN has physical locations. The sub-group has not determined what the menu items should be, but believes there should be a balance between the advantages and disadvantages of having different governing laws apply to the same base RA, which likely suggests having a relatively limited number of choices on the menu. The sub-group recommends that the Registry choose from among the options on the menu (i.e., the choice would not be negotiated with ICANN).

4.2.1.2 “California” (or “fixed law”) Approach. A second possible option is for all RAs to include a choice of law clause naming California and U.S. law as the governing law.

4.2.1.3 Carve-Out Approach. A third possible option would be a “Carve-Out” approach, whereby parts of the contract that would benefit from uniform treatment are governed by a uniform predetermined law (e.g., California) and other parts are governed either by the law of the registry’s jurisdiction or by a jurisdiction chosen using the “Menu” approach.

4.2.1.4 Bespoke Approach. In the “Bespoke” approach, the governing law of the entire agreement is the governing law of the Registry Operator.

4.2.1.5 Status Quo Approach. A fifth possible approach is to retain the status quo, (i.e., have no “governing law” clause in the RAA).

4.2.2 Choice of Law Provisions in Registrar Accreditation Agreements. The options for the RAA are essentially the same as for the RA.

4.2.3 Choice of Venue Provisions in Registry Agreements. Under the RA, disputes are resolved by “binding arbitration,” pursuant to ICC rules. The RA contains a choice of venue provision stating that the venue is Los Angeles, California as both the physical place and the seat of the arbitration. When entering into contracts with registries, ICANN could offer a list of possible venues for arbitration rather than imposing Los Angeles, California. The registry that enters into a registry agreement with ICANN could then choose which venue it prefers at or before the execution of the contract.

Small team notes: Contracted Parties need to consider if they are prepared to enter into negotiations to amend base RA/RAA. Coordination among the GNSO Council/SGs/Cs may be needed for implementing this recommendation. SGs/Cs should be made aware of this recommendation and report back to the Council on their assessment.

Proposed Council Committee Assignment #1.

Council Committee to monitor whether there are any further developments in this area (WS2 jurisdiction) that may prompt further action and/or TF assignments.

Topic 6: Increase SO/AC Accountability

6.1 - Accountability

6.1.1 - SO/AC/Groups should document their decision-making methods, indicating any presiding officers, decision-making bodies, and whether decisions are binding or nonbinding;

6.1.2 - SO/AC/Groups should document their procedures for members to challenge the process used for an election or formal decision;

6.1.3 - SO/AC/Groups should document their procedures for non-members to challenge decisions regarding their eligibility to become a member

6.1.4 - SO/AC/Groups should document unwritten procedures and customs that have been developed in the course of practice, and make them part of their procedural operation documents, charters, and/or bylaws, Each year, SO/AC/Groups should publish a brief report on what they have done during the prior year to improve accountability, transparency, and participation, describe where they might have fallen short, and any plans for future improvements).

Small team notes:

The GNSO Council has already been in compliance with some of the recommendations under this topic. The implementation of them is ongoing and does not necessarily have an impact on other Council efforts. Hence, the prioritization level is medium. The Nov 2019 Implementation Assessment Report suggests that for Recs 6.1-6.5 a detailed inventory of work underway in each SO/AC is needed so the community can consider next steps. Substantive consideration of these issues could form part of the GNSO3 review due to start in June 2021.

6.1 - Accountability

6.1.5 Each year, SO/AC/Groups should publish a brief report on what they have done during the prior year to improve accountability, transparency, and participation, describe where they might have fallen short, and any plans for future improvements.

Small team notes:

The GNSO Council has already been in compliance with some of the recommendations under this topic. The implementation of them is ongoing and does not necessarily have an impact on other Council efforts. Hence, the prioritization level is medium. The Nov 2019 Implementation Assessment Report suggests that for Recs 6.1-6.5 a detailed inventory of work underway in each SO/AC is needed so the community can consider next steps. Substantive consideration of these issues could form part of the GNSO3 review due to start in June 2021.

6.1 - Accountability

6.1.6 Each Empowered Community (EC) Decisional Participant should publicly disclose any decision it submits to the EC. Publication should include description of processes followed to reach the decision.

Small team notes: The GNSO Council has already been in compliance with some of the recommendations under this topic. The implementation of them is ongoing and does not necessarily have an impact on other Council efforts. Hence, the prioritization level is medium.

6.1 Accountability

6.1.7 Links to SO/AC transparency and accountability (policies, procedures, and documented practices) should be available from ICANN's main website, under "accountability." ICANN staff would have the responsibility to maintain those links on the ICANN website.

Small team notes: The GNSO Council has already been in compliance with some of the recommendations under this topic. The implementation of them is ongoing and does not necessarily have an impact on other Council efforts. Hence, the prioritization level is medium.

6.2 Transparency;

6.2.1 Charter and operating guidelines should be published on a public webpage and updated whenever changes are made;

6.2.2 Members of the SO/AC/Group should be listed on a public webpage;

6.2.3 Officers of the SO/AC/Group should be listed on a public webpage.

Small team notes: The GNSO Council has already been in compliance with some of the recommendations under this topic. The implementation of them is ongoing and does not necessarily have an impact on other Council efforts. Hence, the prioritization level is medium.

6.2 Transparency

6.2.4 Meetings and calls of SO/AC/Groups should normally be open to public observation.

When a meeting is determined to be members-only, that should be explained publicly, giving specific reasons for holding a closed meeting. Examples of appropriate reasons include discussion of confidential topics such as;

6.2.4.1 Trade secrets or sensitive commercial information whose disclosure would cause harm to a person or organization's legitimate commercial or financial interests or competitive position;

6.2.4.2 Internal strategic planning whose disclosure would likely compromise the efficacy of the chosen course;

6.2.4.3 Information whose disclosure would constitute an invasion of personal privacy, such as medical records;

6.2.4.4 Information whose disclosure has the potential to harm the security and stability of the Internet;

6.2.4.5 Information that, if disclosed, would be likely to endanger the life, health, or safety of any individual or materially prejudice the administration of justice.

Small team notes: The GNSO Council has already been in compliance with some of the recommendations under this topic. The implementation of them is ongoing and does not necessarily have an impact on other Council efforts. Hence, the prioritization level is medium. The Nov 2019 Implementation Assessment Report suggests that for Recs 6.1-6.5 a detailed inventory of work underway in each SO/AC is needed so the community can consider next steps. Substantive consideration of these issues could form part of the GNSO3 review due to start in June 2021.

6.2 Transparency;

6.2.5 Records of open meetings should be made publicly available. Records include notes, minutes, recordings, transcripts, and chat, as applicable;

6.2.6 Records of closed meetings should be made available to members, and may be made publicly available at the discretion of the AC/SO/Group. Records include notes, minutes, recordings, transcripts, and chat, as applicable;

6.2.7 Filed comments and correspondence with ICANN should be published and publicly available.

Small team notes: The GNSO Council has already been in compliance with some of the recommendations under this topic. The implementation of them is ongoing and does not necessarily have an impact on other Council efforts. Hence, the prioritization level is medium. The Nov 2019 Implementation Assessment Report suggests that for Recs 6.1-6.5 a detailed inventory of work underway in each SO/AC is needed so the community can consider next steps. Substantive consideration of these issues could form part of the GNSO3 review due to start in June 2021.

6.3 Participation

6.3.1 Rules of eligibility and criteria for membership should be clearly outlined in the bylaws or in operational procedures.

6.3.2 Where membership must be applied for, the process of application and eligibility criteria should be publicly available. Where membership must be applied for, there should be a process of appeal when application for membership is rejected.

6.3.4 An SO/AC/Group that elects its officers should consider term limits.

6.3.5 A publicly visible mailing list should be in place.

6.3.6 if ICANN were to expand the list of languages that it supports, this support should also be made available to SO/AC/Groups.

6.3.7 A glossary for explaining acronyms used by SO/AC/Groups is recommended.

Small team notes: The GNSO Council has already been in compliance with some of the recommendations under this topic. The implementation of them is ongoing and does not necessarily have an impact on other Council efforts. Hence, the prioritization level is medium. The Nov 2019 Implementation Assessment Report suggests that for Recs 6.1-6.5 a detailed inventory of work underway in each SO/AC is needed so the community can consider next steps. Substantive consideration of these issues could form part of the GNSO3 review due to start in June 2021.

6.4 Outreach

6.4.1 Each SO/AC/Group should publish newsletters or other communications that can help eligible non-members to understand the benefits and process of becoming a member.

6.4.2 Each SO/AC/Group should maintain a publicly accessible website/wiki page to advertise their outreach events and opportunities.

6.4.3 Each SO/AC/Group should create a committee (of appropriate size) to manage outreach programs to attract additional eligible members, particularly from parts of their targeted community that may not be adequately participating.

6.4.4 Outreach objectives and potential activities should be mentioned in SO/AC/Group bylaws, charter, or procedures.

6.4.5 Each SO/AC/Group should have a strategy for outreach to parts of their targeted community that may not be significantly participating at the time, while also seeking diversity within membership.

Small team notes: The GNSO Council has already been in compliance with some of the recommendations under this topic. The implementation of them is ongoing and does not necessarily have an impact on other Council efforts. Hence, the prioritization level is medium. The Nov 2019 Implementation Assessment Report suggests that for Recs 6.1-6.5 a detailed inventory of work underway in each SO/AC is needed so the community can consider next steps. Substantive consideration of these issues could form part of the GNSO3 review due to start in June 2021.

6.5 Updates to Policies and Procedures

6.5.1 Each SO/AC/Group should review its policies and procedures at regular intervals and make changes to operational procedures and charter as indicated by the review.

6.5.2 Members of SO/AC/Groups should be involved in reviews of policies and procedures, and should approve any revisions.

6.5.3 Internal reviews of SO/AC/Group policies and procedures should not be prolonged for more than one year, and temporary measures should be considered if the review extends longer.

Small team notes: The GNSO Council has already been in compliance with some of the recommendations under this topic. The implementation of them is ongoing and does not necessarily have an impact on other Council efforts. Hence, the prioritization level is medium. The Nov 2019 Implementation Assessment Report suggests that for Recs 6.1-6.5 a detailed inventory of work underway in each SO/AC is needed so the community can consider next steps. Substantive consideration of these issues could form part of the GNSO3 review due to start in June 2021.

Proposed TF Assignment #2.

TF to create inventory of the items listed under these recommendations concerning increased SO/AC accountability, document any processes / procedures that address the recommendations listed above and/or identify what further, if anything, the GNSO should implement to consider these recommendations addressed from a GNSO perspective.

Annex B – TF Assignments - Evolution of the Multistakeholder Model

No immediate actions have been identified. Should future actions be assigned to the GNSO, the Council with input from SG/Cs will determine whether these are to be assigned to the Council Committee for further consideration and/or assignment to a dedicated Task Force.

Annex C – TF Assignments - ATRT3

Note, only recommendation 3.6 appears to result in direct action for the GNSO.

ATRT3 Recommendation 3.6

Continuous Improvement Program:

- ICANN org shall work with each SO/AC/NC to establish a continuous improvement program. Such a continuous improvement program shall have a common base between all SOs, ACs, and the NC but will also allow for customization so as to best meet the needs of each individual SO/AC/NC. All SO/AC/NC shall have implemented a continuous improvement program within 18 months of this recommendation being approved by the Board. These continuous improvement programs will include:

Annual satisfaction survey of members/participants:

- Each SO/AC/NC shall perform a comprehensive annual satisfaction survey, or equivalent mechanism, of its members and participants. The focus of the survey should be on member and constituent's satisfaction (and issue identification) vs their respective SO/AC/NC but can also include satisfaction with ICANN org services such as staff support, travel services, translation services, etc.
- For SOs and ACs that are composed of sub-structures, this should apply to their individual sub-structures and the results of all sub-structures shall be aggregated to generate a result for the given SO or AC.
- The results of these would be public and used to support the continuous improvement program as well as input for the Holistic Review. If the survey results note a significant issue this shall be the trigger to initiate appropriate measures to deal with any such issues.

Regular assessment of continuous improvement programs:

- At least every three years each SO/AC/NC will undertake a formal process to evaluate and report on its continuous improvement activities which will be published for Public Comment. This would allow the Holistic Review to consider a minimum of two assessment reports and related public comments for each SO/AC/NC.
- Details of the assessments will be defined during the elaboration of the continuous improvement program with each SO/AC/NC. If the SO/AC/NC desires and the budget permits, the assessment can be conducted by an independent contractor or by having an intensive one to five day workshop.
- The Board should publish at least every three years a summary of its continuous improvements over that period. These reports would be used as input for the Holistic Review.

Board Action

Approve subject to prioritization - The Board approves Recommendation 3.6 with the caveat that more information is required to better understand how to operationalize the Continuous Improvement Program to ensure it yields the outcomes intended by the ATRT3 before a Bylaws amendment is completed.

When deemed appropriate through the prioritization process, the Board directs ICANN org to initiate the development of a project plan to implement a pilot Continuous Improvement Program in alignment with ATRT3 intent, and in parallel with the views of ICANN structures based on their unique needs and interests, and taking into account any ongoing improvement processes by the ICANN structures. In order to understand what an appropriate continuous improvement model would look like, and how it would ensure the desired outcomes can be achieved, this project plan shall be informed by best practices and will be presented to the community for their consideration.

Proposed Council Committee Assignment #2.

Council committee to develop proposed approach for developing and implementing a continuous improvement plan as outlined by ATRT3, in close collaboration with GNSO SG/Cs, consistent with this framework approach.

Annex D - TF Assignments - GNSO3 Review

From ATRT3 Board Scorecard: GNSO3 Review: The Board notes that the current schedule for Organizational Reviews has the next GNSO review scheduled to start in June 2021. The ATRT3 suggested in its transmission letter to the Board that it might be appropriate to suspend additional reviews from starting under the current Bylaws framework, so as to allow the ATRT3 recommended improvements to take place first. The Board concurs that there is value in exploring this possibility and has initiated discussions with the GNSO to understand its views about the timing of the next GNSO review. The results of those discussions will be publicly available. The Board might need to consider timely engagement with other entities if their scheduled Organizational Reviews arise prior to the Bylaws being amended.

[Awaiting Board decision on whether or not GNSO3 Review is postponed. Note that GNSO Council has expressed support for delay].

Annex E – TF Assignments - Review of Policy & Implementation WG recommendations

The GNSO Council resolved in June 2015 that “The GNSO Council recommends that a review of these [Policy & Implementation] recommendations is carried out at the latest five years following their implementation to assess whether the recommendations have achieved what they set out to do and/or whether any further enhancements or changes are needed”.

See Policy & Implementation Final Report for further details:

https://gns0.icann.org/sites/default/files/filefield_47703/policy-implementation-recommendations-01jun15-en.pdf

The recommendations of the Policy & Implementation Working Group resulted in:

- The GNSO Expedited Policy Development Process (EPDP)
- The GNSO Guidance Process (GGP)
- The GNSO Input Process (GIP)
- The Implementation Review Team (IRT) Principles & Guidelines, as well as the requirement to form an IRT following the adoption by the ICANN Board of GNSO Policy recommendations
- A set of policy & implementation requirements

Proposed TF Assignment #3.

TF to develop survey to solicit input from EPDP Team members concerning EPDP benefits, downsides and possible improvements. Based on the feedback received and perceived urgency of possible improvements, TF to make recommendations to the Council Committee on if/what/when further work needs to be undertaken to develop proposed changes to the EPDP.

Proposed TF Assignment #4.

TF to undertake consultation with GNSO SG/Cs and SO/ACs interested to obtain input on why GGP and GIP have not been used to date. Based on feedback received and perceived urgency of possible improvements, TF to make recommendations to the Council Committee on if/what/when further work needs to be undertaken to develop proposed changes to the GGP and GIP.

Proposed TF Assignment #5.

TF to survey recent IRTs, ICANN org, Council liaisons to IRTs as well as GNSO Council on experience with IRT Principles & Guidelines, as well as policy & implementation requirements (as outlined in section 4 of the Policy & Implementation Final Report). Based on feedback and input received, TF to make recommendations for proposed updates to the IRT Principles & Guidelines.

Annex F – TF Assignments - Operational Design Phase

No immediate actions have been identified in relation to this topic. Should future actions be assigned to the GNSO, the Council, with input from SG/Cs, will determine whether these are to be assigned to the Council Committee for further consideration and/or assignment to a dedicated Task Force.

Annex G – TF Assignments - review of PDP 3.0 improvements and additional improvements

From the Council resolution of Feb 2020:

“The GNSO Council requests that after all PDP 3.0 improvements are in effect, the GNSO Council conducts a review of the implementation effectiveness in a timely manner”.

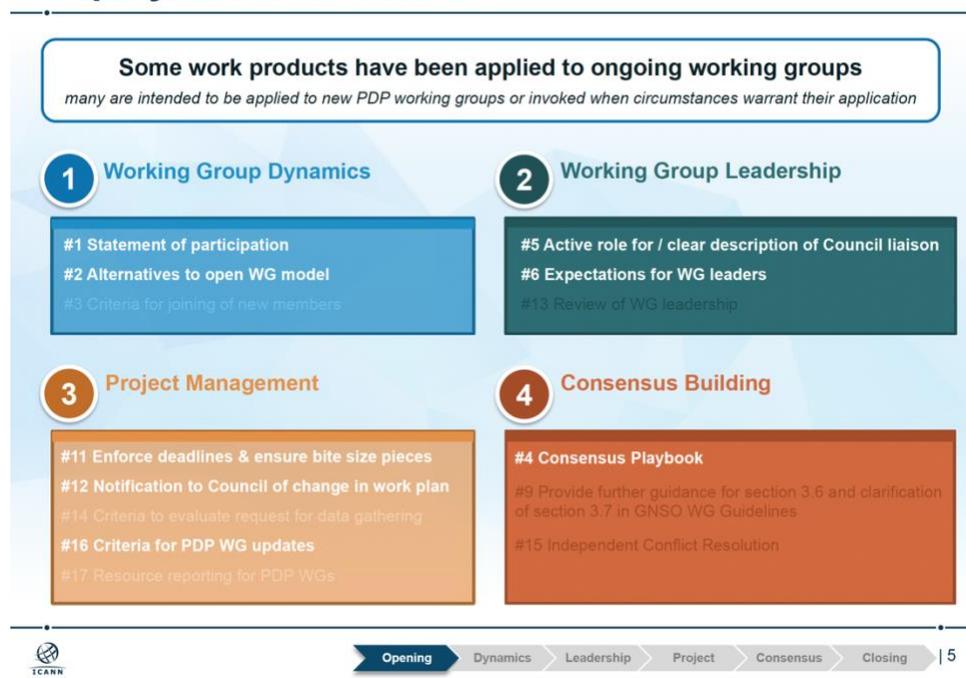
“The GNSO Council confirms that none but one (1) "Parking Lot" item (Statement of Interest Review) identified by the PDP 3.0 Small Team should be moved forward until the GNSO Council has the opportunity to evaluate the PDP 3.0 implementation effectiveness”.

Note, other items that have been identified as part of the parking lot and subsequent Council discussions:

- Propose tool for the WG leadership to assess, at the start of each meeting, whether a sufficient number of WG members are present to proceed;
- Re-evaluate whether the Implementation Review Team (IRT) Liaison's role description and associated procedures are sufficient;
- Consider whether there is any potential conflict of interest issue when a GNSO Councilor participates in a WG;
- Consider surveying PDP WGs to identify future improvements, including a post-mortem on the EPDP from a process perspective;
- Consider whether the move toward a representative model triggers potential changes to early input, roles of liaison/WG leadership, etc.;
- Consider if/how WG Self-Assessment can be improved and possibly enhanced with a periodic assessment as well as exit interview with interested parties to help identify at an early stage potential issues as well as future improvements to be considered. This could potentially be combined with the WG Chair assessment as outlined in PDP 3.0 improvement #13.

For information, all recommendations have been implemented but not all have been used in practice at this point:

Deployed Work Products



Proposed Council Committee Assignment #3.

Assess state of implementation and deployment of different PDP 3.0 recommendations and make recommendations for updates to GNSO Operating Procedures, or other documents, if deemed applicable. As part of this assessment, the Council Committee is also expected to recommend which other items as part of the parking lot should be addressed as a matter of priority, or may have already been addressed through other activities.

Proposed TF Assignment #6.

TF to review Statement of Interest requirements and make recommendations accordingly. This should include soliciting input from the community on the current use and experience with SOIs as well as suggestions for possible improvements.

Proposed Council Committee Assignment #4

Consider if/how WG Self-Assessment can be improved and possibly enhanced with a periodic assessment as well as exit interview with interested parties to help identify at an early stage potential issues as well as future improvements to be considered. This could potentially be combined with the WG Chair assessment as outlined in PDP 3.0 improvement #13. Council Committee to also consider the findings of the most recent WG Self-Assessments to determine if there are other improvements the GNSO Council should consider.

Annex H – TF Assignments - Empowered Community

From Council resolution (6 November 2019): “The GNSO Council requests that after an action of the GNSO as a Decisional Participant has been completed, the GNSO Council shall review the respective guidelines and motion templates relating to that action, or on an annual basis if no action is initiated for all guidelines and motions”.

Proposed TF Assignment #7.

TF to review EC guidelines and motion templates (see [Guidelines and Templates that Help the GNSO Fulfill Its Role & Obligation as a Decisional Participant in the Empowered Community](#)) and provide recommendations on whether any updates are necessary. If updates are deemed necessary, TF also to consider whether explicit reference to the requirements of WS2 (WS2 rec 2.1 & 2.2

- https://docs.google.com/document/d/1WwIFVOSCRGn86ZOwqJG6Ev7WMHLwN0cvERgQwA3DD_Q/edit (see pp.6-9) is beneficial.

Annex J – TF Assignment Form Template

| TF Name | |
|--------------------------------|---|
| Assignment (short description) | <i>Short description of the TF assignment(s)</i> |
| Background information / links | <i>Background information and links to relevant documents to the TF assignment(s)</i> |
| Membership composition | <i>Detail membership composition (see default in section 3). Provide rationale if changes are made to default composition.</i> |
| Decision-making methodology | <i>Detail decision making methodology (see default in section 3). Provide rationale if changes are made to default composition.</i> |
| Timeline expectations | <i>Indicate expected timing of completion of assignment.</i> |
| Consultation expectations | <i>Indicate if consultations and/or public comment is expected to be conducted by TF.</i> |